

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Engineering Division
Honolulu, Hawaii

March 16, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Request for Authorization for the Department of the Attorney General and its agents, employees, consultants, and investigators, to enter upon private property for the purposes of investigating and inspecting dams and reservoirs located within the County of Kauai pursuant to Hawaii Revised Statutes Chapter 179D

Chapter 179D of the Hawaii Revised Statutes, the Dam Safety Act of 1987, empowers the Board of Land and Natural Resources, among other things, to cooperate with state agencies, and to "enter upon such private property of the dam or reservoir as may be necessary in making any investigation or inspection required or authorized by [Chapter 179D]" and to take such other actions as are authorized under Chapter 179D and the Administrative Rules promulgated pursuant to that Chapter.

Due to the recent incidents involving failure of dams and reservoirs on the Island of Kauai, and imminent and dire threats to life and public safety, and an existing emergency, the Engineering Division has requested the Department of the Attorney General to provide special agents, attorneys, and experts and consultants in dam safety, construction, and/or maintenance to assist the Board in investigating and inspecting dams and reservoirs on the Island of Kauai, including but not limited to those that have failed. Among the matters to be investigated are the causes of dam and reservoir failure, in part to determine, from those inspections, whether other dams and reservoirs are in danger of failing from the same or similar causes.

RECOMMENDATION:

That the Board of Land and Natural Resources approve the following:

1. Authorize the Department of the Attorney General and its special agents, attorneys, and formally or informally retained experts and consultants in dam safety, construction, and/or maintenance to enter upon private property that contains dams or reservoirs (including those that have failed) on the Island of Kauai in order to investigate and/or inspect those dams and reservoirs; and

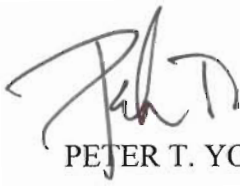
2. Request the Department of the Attorney General and its special agents, attorneys, and formally or informally retained experts and consultants in dam safety, construction, and/or maintenance, to assist the Board in performing the functions specified in sections 179D-6(2), (3) and (4), Hawaii Revised Statutes.

Respectfully submitted,



ERIC T. HIRANO
Chief Engineer

APPROVED FOR SUBMITTAL



PETER T. YOUNG, Chairperson

